

1 AN ACT concerning State subsidies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by adding
5 Section 3-4007.5 and amending Section 4-2001 as follows:

6 (55 ILCS 5/3-4007.5 new)

7 Sec. 3-4007.5. Defense of indigent persons; State
8 institutions.

9 (a) For payment to the office of public defender or for
10 payment of court-appointed counsel to represent indigent
11 defendants or respondents, each county must receive from the
12 State treasury an annual subsidy in the same amount as that
13 county's State's attorney receives under Section 4-2001 of
14 this Code for State mental institutions, State correctional
15 institutions, and State universities located in that county.

16 (b) Money received by counties under this Section shall
17 be paid to the office of public defender, if any, or for the
18 defense of indigent persons and shall be in addition to
19 county funding for these purposes and may not be used to
20 supplant or reduce ordinary and customary county funding for
21 these purposes.

22 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

23 Sec. 4-2001. State's attorney salaries.

24 (a) There shall be allowed to the several state's
25 attorneys in this State, except the state's attorney of Cook
26 County, the following annual salary:

27 (1) Subject to paragraph (5), to each state's
28 attorney in counties containing less than 10,000
29 inhabitants, \$40,500 until December 31, 1988, \$45,500
30 until June 30, 1994, and \$55,500 thereafter or as set by

1 the Compensation Review Board, whichever is greater.

2 (2) Subject to paragraph (5), to each state's
3 attorney in counties containing 10,000 or more
4 inhabitants but less than 20,000 inhabitants, \$46,500
5 until December 31, 1988, \$61,500 until June 30, 1994, and
6 \$71,500 thereafter or as set by the Compensation Review
7 Board, whichever is greater.

8 (3) Subject to paragraph (5), to each state's
9 attorney in counties containing 20,000 or more but less
10 than 30,000 inhabitants, \$51,000 until December 31, 1988,
11 \$65,000 until June 30, 1994, and \$75,000 thereafter or as
12 set by the Compensation Review Board, whichever is
13 greater.

14 (4) To each state's attorney in counties of 30,000
15 or more inhabitants, \$65,500 until December 31, 1988,
16 \$80,000 until June 30, 1994, and \$96,837 thereafter or as
17 set by the Compensation Review Board, whichever is
18 greater.

19 (5) Effective December 1, 2000, to each state's
20 attorney in counties containing fewer than 30,000
21 inhabitants, the same salary plus any cost of living
22 adjustments as authorized by the Compensation Review
23 Board to take effect after January 1, 1999, for state's
24 attorneys in counties containing 20,000 or more but fewer
25 than 30,000 inhabitants, or as set by the Compensation
26 Review Board whichever is greater.

27 The State shall furnish 66 2/3% of the total annual
28 compensation to be paid to each state's attorney in Illinois
29 based on the salary in effect on December 31, 1988, and 100%
30 of the increases in salary taking effect after December 31,
31 1988.

32 Said amounts furnished by the State shall be payable
33 monthly from the state treasury to the county in which each
34 state's attorney is elected.

1 Each county shall be required to furnish 33 1/3% of the
2 total annual compensation to be paid to each state's attorney
3 in Illinois based on the salary in effect on December 31,
4 1988.

5 (b) Effective December 1, 2000, no state's attorney may
6 engage in the private practice of law. However, until
7 November 30, 2000, (i) the state's attorneys in counties
8 containing fewer than 10,000 inhabitants may engage in the
9 practice of law, and (ii) in any county between 10,000 and
10 30,000 inhabitants or in any county containing 30,000 or more
11 inhabitants which reached that population between 1970 and
12 December 31, 1981, the state's attorney may declare his or
13 her intention to engage in the private practice of law, and
14 may do so through no later than November 30, 2000, by filing
15 a written declaration of intent to engage in the private
16 practice of law with the county clerk. The declaration of
17 intention shall be irrevocable during the remainder of the
18 term of office. The declaration shall be filed with the
19 county clerk within 30 days of certification of election or
20 appointment, or within 60 days of March 15, 1989, whichever
21 is later. In that event the annual salary of such state's
22 attorney shall be as follows:

23 (1) In counties containing 10,000 or more
24 inhabitants but less than 20,000 inhabitants, \$46,500
25 until December 31, 1988, \$51,500 until June 30, 1994, and
26 \$61,500 thereafter or as set by the Compensation Review
27 Board, whichever is greater. The State shall furnish
28 100% of the increases taking effect after December 31,
29 1988.

30 (2) In counties containing 20,000 or more
31 inhabitants but less than 30,000 inhabitants, and in
32 counties containing 30,000 or more inhabitants which
33 reached said population between 1970 and December 31,
34 1981, \$51,500 until December 31, 1988, \$56,000 until June

1 30, 1994, and \$65,000 thereafter or as set by the
2 Compensation Review Board, whichever is greater. The
3 State shall furnish 100% of the increases taking effect
4 after December 31, 1988.

5 (c) In counties where a state mental health institution,
6 as hereinafter defined, is located, one assistant state's
7 attorney shall receive for his services, payable monthly from
8 the state treasury to the county in which he is appointed,
9 the following:

10 (1) To each assistant state's attorney in counties
11 containing less than 10,000 inhabitants, the sum of
12 \$15,000 ~~\$2,500~~ per annum;

13 (2) To each assistant state's attorney in counties
14 containing not less than 10,000 inhabitants and not more
15 than 20,000 inhabitants, the sum of \$20,000 ~~\$3,500~~ per
16 annum;

17 (3) To each assistant state's attorney in counties
18 containing not less than 20,000 inhabitants and not more
19 than 30,000 inhabitants, the sum of \$25,000 ~~\$4,000~~ per
20 annum;

21 (4) To each assistant state's attorney in counties
22 containing not less than 30,000 inhabitants and not more
23 than 40,000 inhabitants, the sum of \$30,000 ~~\$4,500~~ per
24 annum;

25 (5) To each assistant state's attorney in counties
26 containing not less than 40,000 inhabitants and not more
27 than 70,000 inhabitants, the sum of \$35,000 ~~\$5,000~~ per
28 annum;

29 (6) To each assistant state's attorney in counties
30 containing not less than 70,000 inhabitants and not more
31 than 1,000,000 inhabitants, the sum of \$40,000 ~~\$6,000~~ per
32 annum.

33 (d) The population of all counties for the purpose of
34 fixing salaries as herein provided shall be based upon the

1 last Federal census immediately previous to the appointment
2 of an assistant state's attorney in each county.

3 (e) At the request of the county governing authority, in
4 counties where one or more state correctional institutions,
5 as hereinafter defined, are located, one or more assistant
6 state's attorneys shall receive for their services, provided
7 that such services are performed in connection with the state
8 correctional institution, payable monthly from the state
9 treasury to the county in which they are appointed, the
10 following:

11 (1) \$40,000 ~~\$22,000~~ for each assistant state's
12 attorney in counties with one or more State correctional
13 institutions with a total average daily inmate population
14 in excess of 2,000, on the basis of 2 assistant state's
15 attorneys when the total average daily inmate population
16 exceeds 2,000 but is less than 4,000; and 3 assistant
17 state's attorneys when such population exceeds 4,000;
18 with reimbursement to be based on actual services
19 rendered.

20 (2) \$35,000 ~~\$15,000~~ per year for one assistant
21 state's attorney in counties having one or more
22 correctional institutions with a total average daily
23 inmate population of between 750 and 2,000 inmates, with
24 reimbursement to be based on actual services rendered.

25 (3) A maximum of \$20,000 ~~\$12,000~~ per year for one
26 assistant state's attorney in counties having less than
27 750 inmates, with reimbursement to be based on actual
28 services rendered.

29 Upon application of the county governing authority
30 and certification of the State's Attorney, the Director
31 of Corrections may, in his discretion and subject to
32 appropriation, increase the amount of salary
33 reimbursement to a county in the event special
34 circumstances require the county to incur extraordinary

1 salary expenditures as a result of services performed in
2 connection with State correctional institutions in that
3 county.

4 In determining whether or not to increase the amount of
5 salary reimbursement, the Director shall consider, among
6 other matters:

- 7 (1) the nature of the services rendered;
- 8 (2) the results or dispositions obtained;
- 9 (3) whether or not the county was required to
10 employ additional attorney personnel as a direct result
11 of the services actually rendered in connection with a
12 particular service to a State correctional institution.

13 (f) In counties where a State senior institution of
14 higher education is located, the assistant state's attorneys
15 specified by this Section shall receive for their services,
16 payable monthly from the State treasury to the county in
17 which appointed, the following:

18 (1) \$35,000 ~~\$14,000~~ per year each for employment on
19 a full time basis for 2 assistant state's attorneys in
20 counties having a State university or State universities
21 with combined full time enrollment of more than 15,000
22 students.

23 (2) \$20,000 ~~\$7,200~~ per year for one assistant
24 state's attorney with no limitation on other practice in
25 counties having a State university or State universities
26 with combined full time enrollment of 10,000 to 15,000
27 students.

28 (3) \$15,000 ~~\$4,000~~ per year for one assistant
29 state's attorney with no limitation on other practice in
30 counties having a State university or State universities
31 with combined full time enrollment of less than 10,000
32 students.

33 Such salaries shall be paid to the state's attorney and
34 the assistant state's attorney in equal monthly installments

1 by such county out of the county treasury provided that the
2 State of Illinois shall reimburse each county monthly from
3 the state treasury the amount of such salary. This Section
4 shall not prevent the payment of such additional compensation
5 to the state's attorney or assistant state's attorney of any
6 county, out of the treasury of that county as may be provided
7 by law.

8 (g) For purposes of this Section, "State mental health
9 institution" means any institution under the jurisdiction of
10 the Department of Human Services that is listed in Section 4
11 of the Mental Health and Developmental Disabilities
12 Administrative Act.

13 For purposes of this Section, "State correctional
14 institution" means any facility of the Department of
15 Corrections including adult facilities, juvenile facilities,
16 pre-release centers, community correction centers, and work
17 camps.

18 For purposes of this Section, "State university" means
19 the University of Illinois, Southern Illinois University,
20 Chicago State University, Eastern Illinois University,
21 Governors State University, Illinois State University,
22 Northeastern Illinois University, Northern Illinois
23 University, Western Illinois University, and any public
24 community college which has established a program of
25 interinstitutional cooperation with one of the foregoing
26 institutions whereby a student, after earning an associate
27 degree from the community college, pursues a course of study
28 at the community college campus leading to a baccalaureate
29 degree from the foregoing institution (also known as a "2
30 Plus 2" degree program).

31 (h) A number of assistant state's attorneys shall be
32 appointed in each county that chooses to participate, as
33 provided in this subsection, for the prosecution of
34 alcohol-related traffic offenses. Each county shall receive

1 annually a subsidy for payment of the salaries and benefits
2 of these assistant state's attorneys from State funds
3 appropriated to the county for that purpose. The amounts of
4 subsidies provided by this subsection shall be adjusted for
5 inflation each July 1 using the Consumer Price Index of the
6 Bureau of Labor Statistics of the U.S. Department of Labor.

7 When a county chooses to participate in the subsidy
8 program described in this subsection (h), the number of
9 assistant state's attorneys who are prosecuting
10 alcohol-related traffic offenses must increase according to
11 the subsidy provided in this subsection. These appointed
12 assistant state's attorneys shall be in addition to any other
13 assistant state's attorneys assigned to those cases on the
14 effective date of this amendatory Act of the 91st General
15 Assembly, and may not replace those assistant state's
16 attorneys. In counties where the state's attorney is the
17 sole prosecutor, this subsidy shall be used to provide an
18 assistant state's attorney to prosecute alcohol-related
19 traffic offenses along with the state's attorney. In
20 counties where the state's attorney is the sole prosecutor,
21 and in counties where a judge presides over cases involving a
22 variety of misdemeanors, including alcohol-related traffic
23 matters, assistant state's attorneys appointed and subsidized
24 by this subsection (h) may also prosecute the different
25 misdemeanor cases at the direction of the state's attorney.

26 Assistant state's attorneys shall be appointed under this
27 subsection in the following number and counties shall receive
28 the following annual subsidies:

29 (1) In counties with fewer than 30,000 inhabitants,
30 one at \$35,000.

31 (2) In counties with 30,000 or more but fewer than
32 100,000 inhabitants, one at \$45,000.

33 (3) In counties with 100,000 or more but fewer than
34 300,000 inhabitants, 2 at \$45,000 each.

1 (4) In counties, other than Cook County, with
2 300,000 or more inhabitants, 4 at \$50,000 each.

3 If in any year the amount appropriated for the purposes
4 of this subsection (h) is insufficient to pay all of the
5 subsidies specified in this subsection, the amount
6 appropriated shall be prorated among the counties choosing to
7 participate.

8 (i) The amount of subsidies required by this Section
9 shall be adjusted for inflation each July 1 using the
10 Consumer Price Index of the Bureau of Labor Statistics of the
11 U.S. Department of Labor.

12 Money received by counties under this Section shall be
13 paid to the State's attorney's office for services in
14 addition to county funding for assistant State's attorneys
15 and may not be used to supplant or reduce ordinary and
16 customary county funding for assistant State's attorneys.

17 (Source: P.A. 90-14, eff. 7-1-97; 90-375, eff. 8-14-97;
18 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704, eff.
19 7-1-00.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.